

PATENT
Attorney Docket No.: 022195-1.00US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Wendell D. Brown

Application No.: 10/796,423

Filed: March 8, 2004

For: VIRTUAL CALL CENTER

Customer No.: 20350

Confirmation No. 1877

Examiner: Unassigned

Technology Center/Art Unit: Unassigned

**PETITION TO
ACCEPT FORMAL DRAWINGS
AND
REINSTATE FILING DATE**

MAIL STOP PETITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicant received a Notice of Incomplete Provisional Application dated September 23, 2004 stating: "The application was deposited without drawings. 35 U.S.C. § 113 (first sentence) requires a drawing 'where necessary for the understanding of the subject matter sought to be patented.'"

Applicant respectfully advises that the nonprovisional application filed on March 8, 2004 included Figs. 1 and 2 which satisfy the requirements of 35 U.S.C. § 113. In support of this, Applicant respectfully submits copies of:

- 1) Utility Patent Application Transmittal" (Exhibit A);
- 2) Applicant's return receipt postcard (Exhibit B); and
- 3) 2 sheets of drawings properly labeled at the top (Exhibit C).

Applicant also submits herewith a new set of properly labeled formal Figs. 1 and 2. These drawings include sufficient detail to facilitate understanding of the subject matter sought to be patented.

Wendell D. Brown
Response Dated: September 29, 2004
Reply to Office Action of September 23, 2004
Page 2

Applicant respectfully petitions to have the Notice of Incomplete Provisional Application vacated and respectfully request reinstatement of the March 8, 2004 filing date.

Applicant further requests an Official Filing Receipt be issued confirming the filing date of March 8, 2004.

Applicant believes that no fee is due for this submission. However, should the Commissioner deem otherwise, please charge the Petition fee in the amount of \$130 or credit any overpayment in accordance with the enclosed Fee Transmittal to the Deposit Account No. 20-1430.

Respectfully submitted,



Kenneth R. Allen
Reg. No. 27,301

TOWNSEND and TOWNSEND and CREW LLP
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KRA:deh

EXHIBIT A

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

Utility for new nonprovisional applications under 37 CFR 1.53(b)

Attorney Docket No.	022195-1.00US
First Inventor	Brown, Wendell D.
Title	VIRTUAL CALL CENTER
Express Mail Label No.	EV 322 213 425 US

APPLICATION ELEMENTS		ADDRESS TO
See MPEP chapter 600 concerning utility patent application contents.		
1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) <i>(Submit an original and a duplicate for fee processing)</i> 2. <input checked="" type="checkbox"/> Applicant claims small entity status. <i>See 37 CFR 1.27.</i> 3. <input checked="" type="checkbox"/> Specification [Total Pages 17] <i>(preferred arrangement set forth below)</i> - Descriptive title of the Invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (<i>if filed</i>) - Detailed Description - Claim(s) - Abstract of the Disclosure		Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets 2] 5. Oath or Declaration [Total Pages 1] a. <input checked="" type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63 (d)) <i>(for a continuation/divisional with Box 18 completed)</i> i. <input type="checkbox"/> DELETION OF INVENTOR(S) <i>Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).</i> 6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76		7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (<i>Appendix</i>) 8. Nucleotide and/or Amino Acid Sequence Submission <i>(if applicable, all necessary)</i> a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper number of pages c. <input type="checkbox"/> Statements verifying identity of above copies
ACCOMPANYING APPLICATIONS PARTS		
9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement <input checked="" type="checkbox"/> Power of <i>(when there is an assignee)</i> Attorney 11. <input type="checkbox"/> English Translation Document (<i>if applicable</i>) 12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations 13. <input type="checkbox"/> Preliminary Amendment 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) <i>(Should be specifically itemized)</i> 15. <input type="checkbox"/> Certified Copy of Priority Document(s) <i>(if foreign priority is claimed)</i> 16. <input checked="" type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent 17. <input type="checkbox"/> Other:		

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

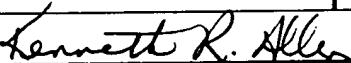
Continuation Divisional Continuation-in-part (CIP) of prior application No: _____

Prior application information: Examiner _____ Art Unit: _____

For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number		20350		OR <input type="checkbox"/> Correspondence address below	
Name					
Address					
City	State		Zip Code		
Country	Telephone	(650) 326-2400	Fax	(650) 326-2422	

Name (Print/Type)	Kenneth R. Allen		Registration No. (Attorney/Agent)	27,301
Signature			Date	March 8, 2004

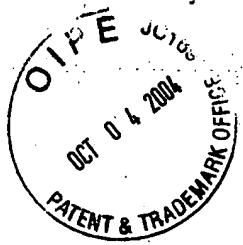


EXHIBIT B

Mailing Date: March 8, 2004 Express Mail Label No.: EV 322 213 425 US
File No.: 022195-1.00US Attorney: Sec'y: KRA:deh
Inventor(s): Brown Wendell D.
Title: Virtual Call Center

22782 U.S. PTO
10/796423



030804

Patent Application consisting of:

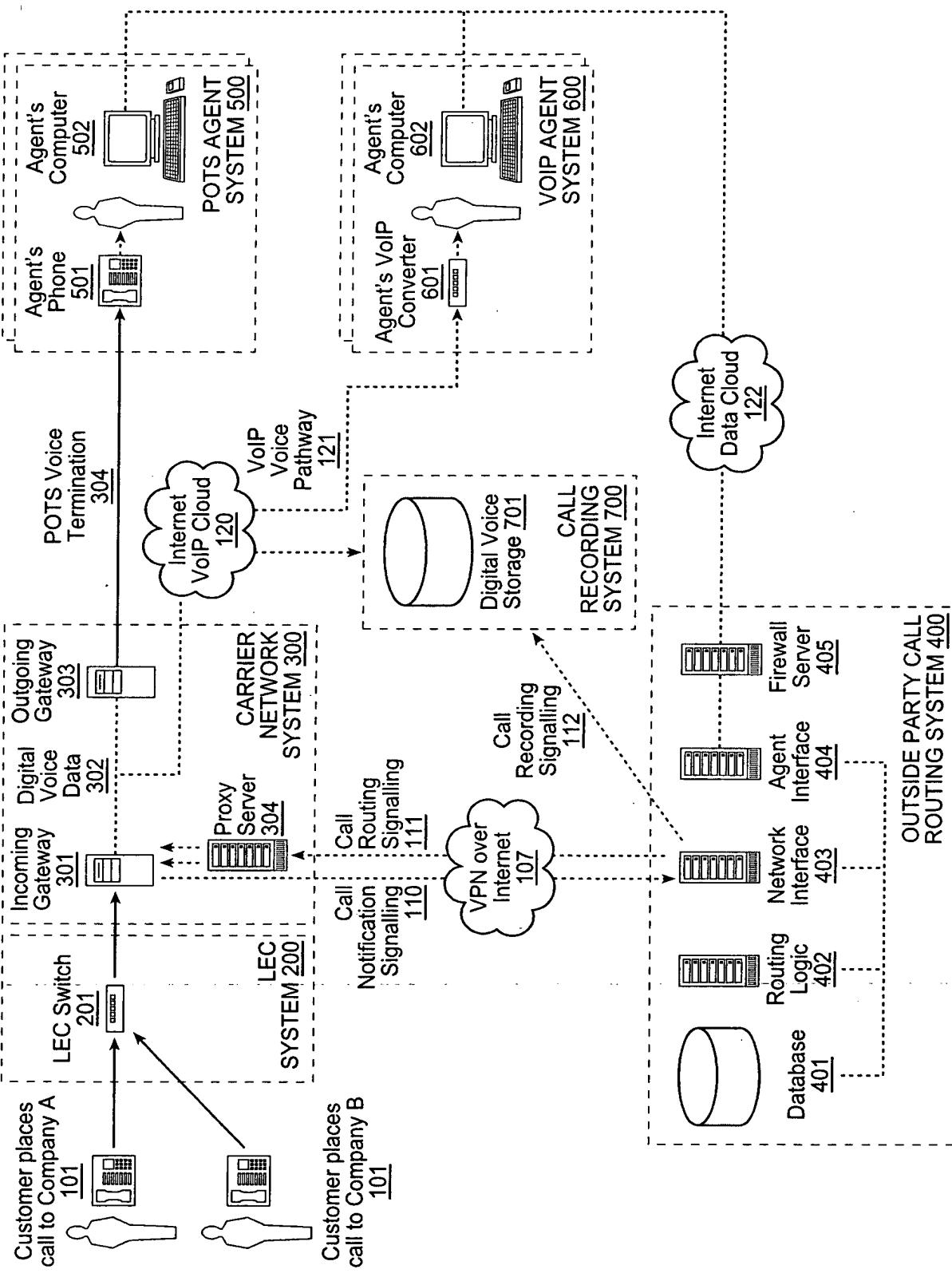
12 Pages of Description, 3 Page of Claims, 1 page of Abstract and 1 title page; and
2 Sheets of formal drawings.

Accompanying the above patent application are:

- 1) Utility Patent Application Transmittal (1 p);
- 2) Fee Transmittal (in duplicate) (1 p);
- 3) Declaration (37 CFR 1.63) For Utility or Design Application Using An Application Data Sheet (37 CFR 1.76) (1 p);
- 4) Application Data Sheet (2 pp);
- 5) Power of Attorney or Authorization of Agent (1 p);
- 6) Nonpublication Request Certification (1 p); and
- 7) Return Receipt Postcard.

Kindly stamp receipt date and serial number and return to addressee to acknowledge
receipt of the above documents.

60160207 v1





Kenneth R. Allen, Reg. No. 27,301 (650) 326-2400
Attorney Docket No.: 022195-1.00US
Title: Virtual Call Center
Applicants: Wendell D. Brown
Sheet 1 of 2

EXHIBIT C

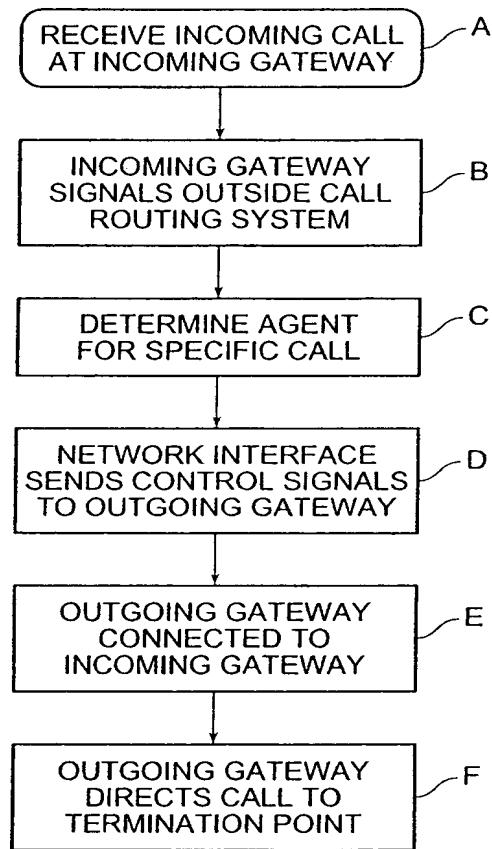


FIG. 2